

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NATHAN OLIVER,)
)
Petitioner,)
)
v.) Civil Action No. 04-1909
) Judge Lancaster
FRANK GILLIS, et al.,) Chief Magistrate Judge Caiazza
)
Respondents.)

MEMORANDUM ORDER

Nathan Oliver's Petition for Writ of Habeas Corpus was received by the Clerk of Court on December 21, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on January 9, 2006, recommended that the Petition for Writ of Habeas Corpus filed by Nathan Oliver be dismissed and that a Certificate of Appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail and on Respondents. Objections were filed by the Petitioner on January 9, 2006. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 23 day of Jan, 2006;

IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus is dismissed and that a Certificate of Appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, dated December 28, 2005, is adopted as the opinion of the court.



Gary L. Lancaster
U.S. District Court Judge

cc:

Francis X. Caiazza
U.S. Magistrate Judge

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